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09/439,740	11/15/1999	WALTER D. FUNK	UVI-005CP2CN	2036
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LAHIVE & COCKFIELD		EXAMINER		
28 STATE STREET BOSTON, MA 02109			BUGAISKY, GABRIELE E	
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			1653	10
			DATE MAILED: 12/03/2002	11

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application Goldan Goldan							
## Defice Action Summary Examiner Gathriele E. BUGAISKY 1653		Application No.	Applicant(s)				
Gabriele E. BUGAISKY 1653 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. He had provided the delivery of the communication of the provided of the communication of the period for reply specified score is less than thirty (30) (abys, as reply within the silution principular of the communication of the period for reply specified score is less than thirty (30) (abys, as reply within the silution principular of the period for reply specified score is less than thirty (30) (abys, as 15, 6) MONTH's from the making date of this communication. He period for reply specified score is less than they (30) (abys, as 15, 6) MONTH's from the making date of this communication, and the reply specified to reply is specif		09/439,740	FUNK ET AL.				
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)							
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DETAILED ACTION

The amendment of September 2002 is acknowledged. Claims 27-29 have been cancelled.

Claims 30-60 remain pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on

sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 38-40 and 55-56 remain rejected under 35 U.S.C. 102(b) as being anticipated by

Woodworth et al. (1990). The reference provides for expression of the amino terminal half of

human serum transferrin by transformed eukaryotic cells, in the expression vector pNUT. A site

directed mutant at D_{63} is also disclosed and thus anticipates claims 38-40 and 55-56. Applicants

state that they imminently intend to submit evidence attesting the publication date of the

Supplement; it is alleged that publication was not until June 1990. No evidence supporting this

position has been provided.

Claim Rejections - 35 USC § 103

The rejection of claims 55-60 under 35 U.S.C. 103(a) as being unpatentable over

Bowman et al. in view of Woodworth et al (1989) is withdrawn, in light of the amendment..

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Conclusion

Claims 32-37 and 41-54 remain allowed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriele E. BUGAISKY whose telephone number is (703)308-4201. The examiner can normally be reached on 8:15 AM- 2 PM, Tu & Th, 8:15 AM-1:30 PM, We & Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher SF Low can be reached on (703) 308-2923. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-4242 for regular communications and 703 308-4242 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 708 308-0196.

Gabriele E. BUGAISKY Primary Examiner Art Unit 1653

December 2, 2002

GABRIELLE BUGAISKY PRIMARY EXAMINER